

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1867.

CHAPTER XXXVIII.

An Act to define the powers and duties of the Board of Health and to regulate the establishment of quarantine in the City of Saint Paul. March 9, 1867.

SECTION 1.—Confirms powers of board.

2.—Powers of board.

3.—President of board may temporarily enforce enactment.

4.—Further power of board.

5.—Board to investigate cause of disease, &c.

6.—Duty of police force.

7.—Board may enact by-laws.

8.—Board to keep general complaint book.

9.—Meetings—when held.

10.—Duties of board with reference to enforcement of state laws.

11.—Provide for the registration of births, deaths and marriages.

12.—Copies of registers, duly signed to be presented to board of health.

13.—Duties of coroners.

14.—Board may make further rule.

15.—Board may compel physicians to perform certain duties

16.—Who shall be officers of the board—salaries, how fixed.

17.—Board may make rules regarding dead bodies

18.—City to have control of cemeteries.

19.—Penalties for violation of this act.

20.—Copies of records of board to be used as presumptive evidence.

21.—Duties of city attorney and police justice.

22.—City authorities may establish quarantine ground.

23.—City may prescribe time for vessels to remain at quarantine.

24.—Quarantine regulations—how far to extend.

25.—Punishment for violation of quarantine regulations.

26.—Further powers of board.

27.—How expenses to be paid.

28.—Who to have charge of quarantine ground.

Be it enacted by the Legislature of the State of Minnesota :

Confirms powers

SECTION 1. The powers and duties now conferred by law upon the board of health of the city of Saint Paul are hereby confirmed.

Duties of Board

SEC. 2. Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, within the limits of the city of St. Paul, shall in the opinion of said board, whether as a whole or in any particular, be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance or dangerous to life or health; and said board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify, and shall cause said order, before its execution, to be served on the owner, occupant or tenant thereof, or some of them, which to said board may appear most directly interested in its execution, provided said parties, or any of them, are in said district and can be found, and such service can be conveniently made; and if any party so served (or intended to be according to this law) shall before its execution is commenced, or within three days after such service or attempted service, apply to said board or the president thereof, to have said order or its execution stayed or modified. It shall then be the duty of said board to temporarily suspend or modify said order or the execution thereof (save in case of imminent danger from impending pestilence, when said board may exercise extraordinary powers, as herein elsewhere specified), and to give such party or parties together, as the case in the opinion of the board may require, a reasonable and fair opportunity to be heard before said board, and to present facts and proofs (according to the rules and directions of said board) against said declaration and the execution of said order, or in favor of its modification according to the regulations of the board; and the board shall enter in its minutes such facts and proofs as it may receive, and its proceed-

ings on such hearing, and any other proof it may take; and thereafter may rescind, modify or re-affirm its said declaration and order, and require execution of said original or of a new or modified order to be made, in such form and effect as it may finally determine.

SEC. 3. Said board may, by resolution, confer upon the president power to exercise, in the absence of the board, the authority given in the foregoing section to temporarily suspend or modify any order or its execution; and said board may change or modify any order made under the first clause of the preceding section, except that in case where no hearing is asked for by the parties affected, the order shall not be so altered as to render it more stringent than the original order.

Board may confer power

SEC. 4. Said board may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place, sewer, pipe, passage, premises, ground, matter, or thing (in said city of St. Paul, or adjacent waters regarded by said board as in a condition dangerous or detrimental to life or health to be purified, cleansed, disinfected, altered or improved; and may also order any substance, matter or thing being, or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private) and which said board may regard dangerous or detrimental to life or health, to be speedily removed to some other place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place in the judgment of said board is already provided. The said board may require the police force of the city of St. Paul to execute any of the orders referred to in this act, and it shall be the duty of such police force to execute the orders of the said board of health.

Duties of board

SEC. 5. And said board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health and for averting the same throughout the limits of said city of St. Paul; and shall promptly cause all proper information in possession of said board to be sent to the local health authorities of any city, village or town in this state which may request the same, and

Further duties

Further powers

shall add thereto such useful suggestions as the experience of said board may supply; and it is hereby made the duty of said health authorities whenever and wherever the same may be established to supply the like information and suggestion to said board of health of the city of St. Paul—and said board may take measures and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said city, as in their opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said city, to be by them designated, any person sick with small pox or other contagious disease. And in the presence of great and imminent peril in the public health in said city, by reason of impending pestilence, it shall be the duty of said board to take such measures and to do and order and cause to be done such acts (though not herein elsewhere or otherwise authorized,) and make such expenditures (having first for such expenditures obtained the consent of the common council of the city of St. Paul) as it may in good faith declare the public safety and health demand. And such peril shall not be deemed to exist except when and for such period of time as the Mayor of the city of St. Paul, together with said board, shall declare by proclamation the same to continue or exist.

Duty of police

SEC. 6., And it shall be the duty of the police force of the city of St. Paul promptly to advise said board of health of all threatened danger to human health or life, and of all matters thought to demand its attention, and regularly to report to said board of health all violations of its rules and of said ordinances, and of the health laws and all useful sanitary information. And it shall be the duty of said police force faithfully and at the proper time to enforce and execute the sanitary rules and regulations and the orders of said board of health (made pursuant to the powers of the said board of health,) upon the same being received in writing and duly authenticated as said board of health may direct. And in and about the execution of any order of the board of health, police officers and policemen shall have as ample power and authority as

when obeying any order of or laws applicable to the police authorities, or as if acting under a special warrant of a justice or judge duly issued. But for their conduct their responsibility shall not be to the board of health, but shall continue as is now provided by law.

SEC. 7. Said board may enact such by-laws, rules and regulations as it may be deem advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution and laws of this state for the regulation of the action of said board, its officers and agents, in the discharge of its and their duties, and for the protection of life and public health, and from time to time may alter, annul or amend the same. And said board shall, in like manner, before said rules and ordinances take effect, and for more fully carrying into effect the intents and purposes of this act, annually, on or before the tenth day of May in any year, publish the same twice a week for three successive weeks in two daily newspapers published in the city of St. Paul, "a code of health ordinances" for the protection of the public health in said district, to take effect on and after the first day of June next thereafter following, and to remain in full virtue, force and effect within said district for the term of one year, unless annulled. And all courts and tribunals within the limits of the city of St. Paul shall take cognizance of and give effect to said ordinances and the several parts thereof, and may punish any person guilty of a violation of the same with a fine not exceeding one hundred dollars, to be paid, when collected into the treasury of the city; but nothing in this section contained shall be construed as in any manner limiting any power herein elsewhere contained.

May enact by-
laws, &c

SEC. 8. Said board shall cause to be kept a general complaint book or several such books, in which may be entered by any person in good faith, any complaint of a sanitary nature which such person thinks may be useful, with the name and residence of the complainant, and may give the name of the person or persons complained of, and the date of the entry of the complaint and such suggestions of any remedy as may in good faith be thought appropriate; and said

Complaint book

books shall be open to all reasonable public examinations as the board may authorize, and the board shall cause the facts in regard to such complaints to be investigated and the appropriate remedy to be applied.

Board shall hold meetings

SEC. 9. Said board shall hold such regular meetings as are now provided by law and special meetings as frequently as the proper and efficient discharge of its duties shall require; and the rules or by laws shall provide for the giving of proper notice of all such meetings to the members of the board; and all meetings shall in every suit or proceedings be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proven.

Further duties of board

SEC. 10. It shall be the duty of said board of health to aid in the enforcement of and as far as practicable, to enforce all laws of this state, applicable within the limits of the city of St. Paul, to the preservation of human life, or to the care, promotion or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duties hereby imposed; and this section is intended to include all laws relative to cleanliness and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicine or food. And said board is authorized to require reports and information (at such times and of such facts and generally of such nature and extent, relating to the safety of life and the promotion of health, as its by-laws and rules may provide,) from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theatres and other places of public resort or amusement in said district; and it is hereby made the duty of the officers, institutions and persons so called on or referred to, to promptly give such reports verbally or in writing, as may be required by said board.

Registry of marriages, etc

SEC. 11. That every clergyman, magistrate and other person who may perform a marriage ceremony, shall make and keep a registry of the marriage celebrated and therein enter the full name of the parties

married, and the residence, age and condition of each; and every physician, midwife and other person who may professionally assist or advise at any birth shall make and keep a registry of every such birth, and therein enter the time and place, ward and street, of such birth, and the sex and color of the child born, and the name and residence of each of the parents, so far as the foregoing facts can be ascertained; and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof, and specifying the date, hour, place and street of such death.

SEC. 12. That it shall be the duty of every person mentioned in the last section (or required to make or keep any such register) to present to the said board of health a copy of such register signed by such person, or a written statement by him signed, of all the facts in said register required to be entered within five days after the birth or marriage, and within thirty-six hours after the death of any person to whom such registry may or should relate.

Copy of register
to be furnished
board

SEC. 13. That it shall be the duty of all coroners within the said city of St. Paul, within three days after the taking of any inquest, to file a written statement with the said board of health, signed by the coroner making the same, stating, so far as he is able, where and upon the body of whom such inquest was held, and the cause and date and place of the death of such person.

Duty of coroners

SEC. 14. It shall be the duty of the said board of health to make such further rules and regulations as to them may seem necessary and proper for the more fully carrying out of the three preceding sections.

Further duty

SEC. 15. That the said board of health are hereby authorized, and it shall be their duty to make such rules and ordinances as to them may seem necessary and proper for the purpose of compelling all physicians practicing within the limits of the said city of St. Paul to make report of all cases of contagious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, all inn-keepers and hotel keepers to make reports of all cases of conta-

Physicians to re-
port to board

gious disease occurring within their respective houses, and generally to make such regulations and rules as to them may be deemed necessary for the carrying into effect the objects of this section, and of obliging reports of contagious diseases to be made to the said board of health by all persons becoming cognizant of the same.

Officers of board

SEC. 16. That for the purpose of more fully carrying into effect the provisions of this act, the city physician of the city of St. Paul shall be ex-officio president of the said board of health, and the city clerk of the said city shall be the secretary of the said board, and the president of the said board shall be "sanitary superintendent," under the control and direction of the said board. And the said sanitary superintendent shall be entitled to have one assistant (except upon special emergency the common council of said city may provide two more of such assistants) who shall be elected by the common council of the said city and be paid such salary as the said common council shall specify. And it shall be the duty of the said board of health to pass rules and ordinances establishing and defining the powers and duties of the said secretary, sanitary superintendent and his assistant or assistants. And the secretary of said board shall be entitled to a salary for the duties assigned to him by this act and the rules and regulations of the said board of health, which salary shall be fixed by the said common council.

Board may make rules in regard to dead bodies

SEC. 17. The said board of health are hereby authorized, and it shall be their duty, to make rules and ordinances regulating the interment and removal of dead bodies and their entry into, removal from and passage through the said city of St. Paul. And no dead body shall be buried within the limits of said city, removed therefrom or received therein, or passed through the said city without a written permit first obtained from the said board of health, to be issued in the manner and under the conditions by them prescribed, and the said board of health shall make all rules and regulations necessary for carrying out the objects of this section.

Jurisdiction of city

SEC. 18. That the jurisdiction of the city of St. Paul shall extend to and prevail over all public cemeteries under the control of organizations established

in said city, and it shall be the duty of the board of health to make such rules and regulations as it may deem necessary regarding the interment of dead bodies within the same, and prescribing the duties of all sextons and keepers of such cemeteries relative to the reception and burial of dead bodies.

SEC. 19. Whoever shall violate any provisions of this act or any order of said board of health made under the authority of the same, or of any by-laws or ordinances therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or wilfully omit to obey any such order shall be guilty of a misdemeanor. A wilful omission or refusal of any individual, corporation or body to conform to any sanitary regulations of said board duly made for the protection of life or the care, promotion or preservation of life, pursuant to its power and authority, shall be a misdemeanor, and all prosecutions and proceedings against any person or persons for such misdemeanor may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within the limits of the city of St. Paul, and any person or persons convicted of any such misdemeanor shall be fined in a sum not less than five dollars nor more than one hundred dollars.

Penalty for violation

SEC. 20. Copies of the records of the proceedings of said board, of its rules, regulations, by-laws and books and papers, constituting part of its archives, when authenticated by its secretary, shall be presumptive evidence, and the authentication be taken as presumptively correct in any court of justice or judicial proceedings when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained; and the action, proceedings, authority and orders of the said board of health shall at all times be regarded as in their nature judicial, and be treated as *prima facie* just and legal.

Copies of records to be taken as evidence

SEC. 21. It shall be the duty of the city attorney and the police justice of the city of St. Paul to act promptly upon all complaints and in all suits or proceedings for any violation of this act, and in all proceedings approved or promoted by said board, and to bring the same to a speedy hearing or termination, and to render judgment and direct execution there-in without delay.

Duty of attorney and justice

- Quarantine** **SEC. 22.** The authorities of the city of St. Paul may establish a quarantine ground in any suitable place, either within or without its limits; provided that, if said place shall be without its limits, the assent of the town within whose limits it may be established, shall be obtained therefor; and the jurisdiction of the city of St. Paul and the authorities thereof shall extend to and prevail over such place established as a quarantine ground to the same extent as within the limits of said city.
- Further regulations** **SEC. 23.** The board of health of the city of St. Paul may from time to time establish the quarantine to be performed by all vessels whose destination is to the said city; and may make such quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.
- Whom to affect** } **SEC. 24.** The quarantine regulations so established shall extend to all persons and all goods and effects arriving in such vessels, and to all persons who may visit or go on board of the same.
- Penalty** **SEC. 25.** The quarantine regulations aforesaid, after notice thereof shall have been given by publication in the manner before provided for the publication of the health ordinances of said city, shall be observed by all persons; and any person who shall violate any such quarantine regulations shall be guilty of a misdemeanor, and punished in the same manner as is provided in section 18 of the act for the punishment of persons violating the health ordinances of said city.
- Powers of board** **SEC. 26.** The board of health of the city of St. Paul may at all times cause any vessel arriving at such city, when such vessel or the cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the quarantine ground and to be thoroughly purified, at the expense of the owners, consignees or persons in possession of the same, and they may also cause all persons arriving in or going on board of such infected vessels, or handling such infected cargo, to be removed to any hospital under the care of said board of health, there to remain under their orders.
- Expenses—how paid** **SEC. 27.** All expenses incurred on account of any person, vessel, or goods, under any quarantine regulations, shall be paid by such person, or the owner of such vessel or goods respectively.

Sec. 28. The quarantine ground shall be under the direction of the sanitary superintendent, who shall have the power to appoint one assistant, unless a greater number be granted by the common council of said city, whose duty it shall be to be in constant attendance at such quarantine ground from the——, and whose salary shall be fixed by the said common council, and the said board of health of the said city shall regulate the duties of the said officers of said quarantine, and shall make such rules and regulations for the visiting of vessels passing such quarantine, and granting permits to the same, as to them may be deemed necessary and proper; provided, that the common council may, by resolution, suspend the operation of sections 2, 3 and 4 in special cases, until proper sewerage shall have been provided, upon being satisfied of the necessity therefor.

Powers of superintendent

Approved, March 9, 1867.

CHAPTER XXXIX.

An Act to authorize the Common Council of the city of St. Paul to issue bonds to liquidate the interest of the shareholders in the St. Paul Bridge Company. January 31, 1867.

SECTION 1.—City council authorized to issue bonds.

2.—Rate of interest—when payable.

3.—When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. For the purpose of enabling the city of St. Paul to settle with the share holders of the St. Paul bridge company, the common council of said

May issue bonds